

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DALLAS SWANK, et al.,

Plaintiff,

v.

DEPUY SYNTHES SALES, INC., et  
al.,

Defendants.

C20-1373 TSZ

MINUTE ORDER  
SETTING TRIAL DATE AND  
RELATED DATES

**JURY TRIAL DATE**

**April 4, 2022**

Length of Trial 10 days

Deadline for joining additional parties September 13, 2021

Deadline for amending pleadings September 13, 2021

Disclosure of expert testimony under FRCP 26(a)(2) September 27, 2021

All motions related to discovery must be filed by October 11, 2021  
and noted on the motion calendar  
no later than the third Friday thereafter  
(see LCR 7(d))

Expert discovery completed by October 29, 2021

All dispositive motions must be filed by November 30, 2021  
and noted on the motion calendar  
no later than the fourth Friday thereafter  
(see LCR 7(d))

Discovery completed by December 13, 2021

All motions related to expert witnesses  
(*e.g.*, Daubert motion) must be filed by January 20, 2022  
and noted on the motion calendar no later  
than the third Friday thereafter (see LCR 7(d))

All motions in limine must be filed by March 3, 2022  
and noted on the motion calendar no later  
than the Friday before the Pretrial Conference  
(see LCR 7(d)(4))

Agreed Pretrial Order due<sup>1</sup> March 18, 2022

Trial briefs, proposed voir dire questions and  
jury instructions due March 18, 2022

Pretrial Conference to be held at 1:30 p.m. on March 25, 2022

These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day. These are firm dates that can be changed only by order of the Court, not by agreement of counsel or parties. The Court will alter these dates only upon good cause shown: failure to complete discovery within the time allowed is not recognized as good cause.

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final pretrial order in the format required by LCR 16.1.

Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table format with the following columns: "Exhibit Number," "Description," "Admissibility Stipulated," "Authenticity Stipulated/Admissibility Disputed," "Authenticity Disputed," and "Admitted." The latter column is for the Clerk's convenience and shall remain blank, but the parties shall indicate the status of an exhibit's authenticity and admissibility by placing an "X" in the appropriate column. Duplicate documents shall not be listed twice: once a party has identified an exhibit in the pretrial order, any party may use it.

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<sup>1</sup> The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a Word compatible file to an e-mail sent to the following address: ZillyOrders@wawd.uscourts.gov.

1 The original and one copy of the trial exhibits are to be delivered to the courtroom  
2 at a time coordinated with Gail Glass, who can be reached at 206-370-8522, no later than  
3 the Friday before trial. Each set of exhibits shall be submitted in a three-ring binder with  
4 appropriately numbered tabs. Each exhibit shall be clearly marked. Plaintiff's exhibits  
5 shall be numbered consecutively beginning with 1; defendant's exhibits shall be  
6 numbered consecutively beginning with the next multiple of 100 after plaintiff's last  
7 exhibit; any other party's exhibits shall be numbered consecutively beginning with the  
8 next multiple of 100 after defendant's last exhibit. For example, if plaintiff's last exhibit  
9 is numbered 159, then defendant's exhibits shall begin with the number 200; if  
10 defendant's last exhibit number is 321, then any other party's exhibits shall begin with  
11 the number 400.

12 Counsel must be prepared to begin trial on the date scheduled, but it should be  
13 understood that the trial might have to await the completion of other cases.

14 Should this case settle, counsel shall notify Judge Zilly's Chambers at  
15 (206) 370-8830 as soon as possible.

16 A copy of this Minute Order shall be mailed to all counsel of record.

17 Dated this 9th day of November, 2020.

18 William M. McCool  
19 Clerk

20 s/Gail Glass  
21 Deputy Clerk